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Return Date & Time:  
JUNE 16, 2011 9:00 AM

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X Chapter 13 Case No: 106-45043-ESS  
IN RE:

NOTICE OF MOTION

LESLINE V. HARRIS,  
Debtor.

-----X

PLEASE TAKE NOTICE, that upon the within application, the Chapter 13 Trustee will move this court before the Honorable Elizabeth S. Stong, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, 271 Cadman Plaza East, Brooklyn, New York, Courtroom 3585, on JUNE 16, 2011 at 9:00 AM, or as soon thereafter as counsel can be heard, for an Order pursuant to 11 U.S.C. Section 1307(c) for cause, dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the Bankruptcy Court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York  
May 26, 2011

/s/ Marianne DeRosa  
\_\_\_\_\_  
MARIANNE DeROSA, TRUSTEE  
115 EILEEN WAY, SUITE 105  
SYOSSET, NEW YORK 11791  
(516) 622-1340

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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X Chapter 13 106-45043-ESS  
IN RE:

LESLINE V. HARRIS,

APPLICATION

Debtor.

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TO THE HONORABLE, ELIZABETH S. STONG, U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 7 on DECEMBER 26, 2006. The instant petition was converted to one under Chapter 13 on March 17, 2011, and, thereafter, MARIANNE DEROSA was duly appointed and qualified as Trustee.

2. The Debtor has failed to comply with 11 U.S.C. Section 521(a)(1) and Bankruptcy Rule 1007(b) in that the following required documents have not been filed:

- a) Statement of Financial Affairs pursuant to 11 U.S.C. Section 521(a)(1)(B)(iii)
- b) provide copies of all payment advices or other evidence of payment for last 60 days before the date of the filing of the petition by the Debtor from any employer of the Debtor pursuant to 11 U.S.C. Section 521(a)(1)(B)(iv)

3. Furthermore, the Debtor has failed to:

- a) file a Chapter 13 Plan, pursuant to by 11 U.S.C Section 1321 and Fed. R. Bankr. P. 3015(b)
- b) provide the trustee with disclosure documentation as required by E.D.N.Y LBR 2003-1
- c) appear and be examined at the Section 341 Meeting of Creditors as required by 11 U.S.C. Section 343
- d) provide a copy of a federal income tax return or transcript for the most recent year, 7 days before first meeting of creditors pursuant to 11 U.S.C. Section 521(e)(2)(A)(i).

4. The time limits set forth in Bankruptcy Rule 1007(c) have expired and no extension of time has been granted by the Court.

5. The Debtor's failure to file these items impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor

pursuant to 11 U.S.C. Section 1307(c)(1).

6. During the pendency of this bankruptcy estate, the Trustee has incurred costs and expenses in the ordinary course of administering this case and seeks reimbursement of \$350.00 to cover these expenses. Said sum to be deducted from the Debtor's net receipts, if any.

7. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within meaning of 11 U.S.C. Section 1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case, and granting the Chapter 13 Trustee the sum of \$350.00 to be deducted from the Debtor's net receipts, if any, for administrative costs and expenses incurred during the pendency of this case, and for such other and further relief as may seem just and proper.

Dated: Jericho, New York  
May 26, 2011

/s/ Marianne DeRosa  
Marianne DeRosa, Trustee

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13 Case No: 106-45043-ESS

LESLINE V. HARRIS,

CERTIFICATE OF SERVICE  
BY MAIL

Debtor.

-----X

This is to certify that I, DANI M. BOYER, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

LESLINE V. HARRIS  
2116 DORCHESTER ROAD, APT 3J  
BROOKLYN, NY 11226

NARISSA A. JOSEPH, ESQ.  
277 BROADWAY STE 501  
NEW YORK, NY 10017

DEBRA KRAMER, CHP 7 TRUSTEE  
98 CUTTER MILL ROAD, STE 466 SOUTH  
GREAT NECK, NY 11021

This May 26, 2011

/s/DANI M. BOYER  
DANI M. BOYER, Paralegal  
Office of the Standing Chapter 13 Trustee  
Marianne DeRosa, Esq.  
115 Eileen Way, Suite 105  
Syosset, New York 11791  
(516) 622-1340

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IN RE:

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NOTICE OF MOTION, APPLICATION  
and  
CERTIFICATE OF SERVICE

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MARIANNE DeROSA, TRUSTEE  
115 EILEEN WAY, SUITE 105  
SYOSSET, NEW YORK 11791  
(516) 622-1340

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